THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

On Wednesday, the first day of Feburary,

two thousand and six .

W.P.No.23798 of 1996

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Keshetti Anjaneyulu

….Petitioner.

And:

The Mandal Revenue Officer, Peddapalli, Karimnagar

District and another.

……..Respondents.

O R D E R:

Petitioner having purchased 132 square yards in S.No.623 of Peddapalli village, made an application to the 2nd respondent Grampanchayat for construction of a shop therein, whereupon it issued a notification, on 14.11.1995, calling for objections and thereafter did not take any steps. Since permission was not refused within the period specified under Section 127(3) of Panchayatraj Act ('the Act'), when petitioners started making construction. 2nd respondent through the letter dated 25.6.1996 intimated the petitioner that inasmuch as the first respondent directed not to accord permission for construction in S.No.623

of Peddapalli he cannot proceed with the constructions.

2) Though the writ petition is filed in 1996, none of the respondents filed their counter affidavits till today.

3) Heard the learned counsel for the petitioner. The learned standing counsel sought further time for filing counter I find no ground to grant further time.

4) Since, the 2nd respondent issued notification on 14.11.1995 calling for objections on the applications of the petitioner for constructions, and since respondent did not pass any order either granting or refusing permission to the petitioner within the time stipulated the petitioner by invoking the deeming clause in the proviso to Section 127(3) of the Act proceeding with the construction cannot be found fault with.

5) In the notice issued to the petitioner on 25.6.1996 it is stated that in view of the notice issued by the 1st respondent on 13.11.1995, he should stop further constructions.

6) Here, it should be stated that while admitting writ petition, the learned Judge by the order dated in WPMP.No.29394 of 1996, gave a direction to the respondents not to obstruct the construction being made by the petitioner in his plot, and that order is till in force as the respondents did not seek vacation of that order. It is now reported by the learned counsel for the petitioner that the petitioner has completed the construction and is enjoying the property.

7) Since the petitioner made the construction by invoking the benefit granted by the proviso to Section 127(3) of the Act and since there is no information as to whether the construction made by petitioner is in accordance with the relevant statutory provisions and building Rules etc., and since the impugned notice is only to stop the construction at the threat of taking proceedings under Section 127 of the Act, no further orders are necessary in this petition. It is made clear that if the construction made by the petitioner is in violation of a statutory provisions, respondents are at liberty to take proceedings against him and the construction made by him by taking recourse in due process of law. The writ petition is disposed of accordingly. No costs.

JUSTICE C.Y.SOMAYAJULU

1st February 2006.

BCS